

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSEPH OCCHIPINTI, et al.,

Plaintiffs,

v.

LISA BAUER, et al.,

Defendants.

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**3:13-CV-1875
(JUDGE MARIANI)**

ORDER

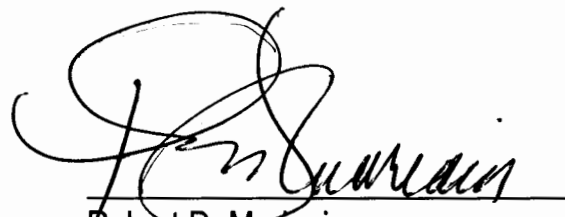
AND NOW, THIS 14th DAY OF AUGUST, 2017, upon consideration of Defendants' Amended Motion for Summary Judgment, (Doc. 58), **IT IS HEREBY ORDERED THAT** the Motion, (Doc. 58), is **GRANTED IN PART AND DENIED IN PART** as follows:

1. The Defendants' Motion is **DENIED** with respect to Counts I and II of Plaintiffs' Complaint.
2. The Defendants' Motion is **GRANTED** with respect to Plaintiffs' section 1983 claim for misuse/abuse of process against Defendant Bauer found in Count III of Plaintiffs' Complaint. The Clerk of the Court is directed to enter judgment **IN FAVOR** of Defendant Bauer and **AGAINST** the Plaintiffs on this Count.
3. The Defendants' Motion is **GRANTED** to the extent that Count VI asserts a section 1983 claim for misuse/abuse of process against Defendant Tighe. The Clerk of the

Court is directed to enter judgment **IN FAVOR** of Defendant Tigie and **AGAINST** the Plaintiffs on Plaintiffs' section 1983 claim for misuse/abuse of process.

4. The Defendants' Motion is **DENIED** with respect to Plaintiffs' section 1983 claims for false arrest against ADA Tigie found in Count VI of Plaintiffs' Complaint.
5. The Defendants' Motion is **GRANTED** to the extent that Count VIII asserts a state law claim for misuse/abuse of process against Defendant Bauer. The Clerk of the Court is directed to enter judgment **IN FAVOR** of Defendant Bauer and **AGAINST** the Plaintiffs on Plaintiffs' claim for misuse/abuse of process.
6. The Defendants' Motion is **DENIED** with respect to Plaintiffs' state law claims for false arrest and malicious prosecution against Detective Bauer found in Count VIII of Plaintiff's Complaint.

IT IS FURTHER ORDERED THAT a telephone scheduling conference will be held on **Monday, August 28, 2017 at 11:30 a.m.** to schedule this case for trial. Counsel for Plaintiffs is responsible for arranging the call to (570) 207-5750, and all parties should be ready to proceed before the undersigned is contacted.



Robert D. Mariani
United States District Judge